

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: TOUNAI

Serial No.: 10/813,834

Filed March 31, 2004

For: METHOD OF TESTING MASK PATTERN AND...

Group: 2624 Confirmation No. 6044

Examiner: PARK, EDWARD DOCKET: NEC A433

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT C UNDER RULE 116**  
**REQUEST FOR RECONSIDERATION AND**  
**TELEPHONE INTERVIEW SUMMARY**  
**REMARKS ONLY**

Dear Sir:

This Request for Reconsideration and Telephone Interview Summary is being filed in response to the Final Action mailed July 31, 2008.

As discussed in the recent telephone interview (the Examiner is thanked for his courtesy in granting the telephone interview) the rejection of claims 1-3, 8-10 and 15-17 and 21-26 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,705,301 to Garza et al. (hereinafter "Garza") in view of US Patent No. 6,453,274 to Kamon, (hereafter Kamon), is in error. Independent claims 1, 8 and 15 require, in part, the feature "dividing said first pattern into a plurality of areas . . . wherein a test standard for a first area among said areas and a test

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standard for a second area among said areas are different from each other.” Thus, the claims require that different test standards be applied to distinct areas of the pattern.

In the Final Action, the Examiner admits Garza does not teach this feature, but suggests that this feature is taught at col. 5, lines 32-47 and col. 9, lines 1-7 of Kamon. As discussed in the interview, the referenced passages of Kamon do not, in fact, teach a different test standard applied to distinct areas of the pattern. Instead, Kamon teaches a second test standard that is applied to a pattern only when a first test standard fails to yield the desirable result. Further, there is no apparent distinction between the areas to which the test standards would be applied. As neither Kamon, nor Garza et al. disclose a test standard for a first area among said areas and a test standard for a second area among said areas are different from each other, no combination of Garza et al. and Kamon reasonably could be said to teach or suggest claims 1, 8 and 15.

In the telephone interview, the Examiner agreed with the above interpretation of the cited language from independent claims 1, 8, and 15, and with the inadequacy of the teaching found in the cited passage from Kamon. Therefore, reconsideration and withdrawal of the rejections in question are respectfully requested.

Claims 2-7, 9-14, and 16-20 depend from claims 1, 8 or 15, as the case may be, and are allowable for the same reasons above adduced relative to claims 1, 8 and 15, as well as for their own additional limitations.

The remaining art rejections are based upon the same interpretation of the art as outlined above. Specifically, the rejection of claims 4, 5, 11, 12, 18 and 19 under 35 USC §103(a) as being unpatentable over Garza et al. in view of Kamon, and further in view of US Publication No. 2002/0043615 to Tounai et al. (hereinafter “Tounai”) is in error. Claims 4, 5, 11, 12, 18 and 19 also depend from claims 1, 8 or 15, as the case may be. The deficiencies of

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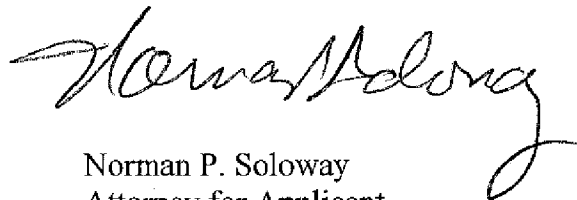
the combination of Garza et al. and Kamon are described above. Tounai et al. fails to supply the missing teachings as above discussed. Thus, claims 4, 5, 11, 12, 18, and 19 are allowable over the art for the same reasons above adduced relative to claims 1, 8 and 15, as well as for their own additional limitations.

Turning finally to the rejection of claims 6, 7, 13, 14 and 20 under 35 USC §103(a) as being unpatentable over Garza et al. in view of Kamon and further in view of US Patent No. 6,316,163 to Magoshi et al. (hereinafter "Magoshi"), claims 6, 7, 13, 14 and 20 are dependent on claims 1, 8 or 15, as the case may be. The deficiencies of the combination of Garza et al. and Kamon are discussed above. Magoshi et al. fails to supply the missing teachings. Thus, claims 6, 7, 13, 14 and 20 are allowable for the same reasons above adduced relative to claims 1, 8 and 15, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being deposited with the United States Patent Office via the electronic filing procedure on October 30, 2008.

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